



DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-874]

Certain Steel Nails from the Republic of Korea: Final Results of Antidumping Duty

Administrative Review; 2020-2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines Daejin Steel Company (Daejin) and Korea Wire Co., Ltd. (KOWIRE), the producers and/or exporters subject to this administrative review, made sales of certain steel nails (steel nails) from the Republic of Korea (Korea) in the United States at prices below normal value (NV) during the period of review (POR), July 1, 2020, through June 30, 2021.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Eva Kim and Reginald Anadio, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-8283 or (202) 482-3166, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 2022, Commerce published the *Preliminary Results* of this administrative review and we invited interested parties to comment.¹ On October 31, 2022, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the

¹ See *Certain Steel Nails from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2020-2021*, 87 FR 47704 (August 4, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

deadline for issuing these final results until January 31, 2023.² A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.³

Scope of the Order⁴

The product covered by this *Order* is steel nails from Korea. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the parties' case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the *Preliminary Results*

Based on comments received from interested parties regarding our *Preliminary Results* and our review of the record to address those comments, we made changes to the preliminary weighted-average dumping margin calculations for Daejin and KOWIRE, as detailed in the Issues and Decision Memorandum.⁵

Rate for Non-Examined Companies

The Act and Commerce's regulations do not address the establishment of a rate to be

² See Memorandum, "Extension of Deadline for Final Results of the 2020-2021 Antidumping Duty Administrative Review," dated October 31, 2022.

³ See Memorandum, "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Certain Steel Nails from the Republic of Korea; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (*Order*).

⁵ See Issues and Decision Memorandum at Comments 4, 5, 6, 10, and 11.

applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based on total facts available. Accordingly, Commerce’s usual practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis*, or based entirely on facts available. For these final results, we have calculated dumping margins for the two mandatory respondents, Daejin and KOWIRE, that are above *de minimis* and not based on total facts available. Therefore, in accordance with section 735(c)(5)(A) of the Act, Commerce assigned to the companies not individually examined (*i.e.*, Je-il Wire Production Co., Ltd. and Koram Inc.), listed in the chart below, a margin of 2.64 percent which is the simple average of Daejin’s and KOWIRE’s calculated weighted-average dumping margins for these final results.⁶

Final Results of Review

As a result of this review, we determine the following weighted-average dumping margins exist for the POR:

Exporter or Producer	Weighted-Average Dumping Margin (percent)
Daejin Steel Company	4.52
Korea Wire Co., Ltd.	0.75
Je-il Wire Production Co., Ltd.	2.64
Koram Inc.	2.64

⁶ Commerce was unable to compare a simple average to a weighted-average relative to publicly available data because public data for volume of U.S. sales were not available for respondents.

Disclosure

Commerce intends to disclose the calculations performed for these final results within five days of the date of publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.⁷ Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise it sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁸ Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time

⁷ See 19 CFR 351.212(b).

⁸ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin that is established in the final results of this review; (2) for previously investigated or reviewed companies not subject to this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 11.80 percent *ad valorem*, the all-others rate established in the LTFV investigation.⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

⁹ See Order.

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: January 31, 2023.

Lisa W. Wang,

Assistant Secretary

for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of the Issues

Daejin and KOWIRE:

- Comment 1: Whether Commerce's Differential Pricing Analysis Is Contrary to Widely Accepted Statistical Principles and Is Not Supported By Substantial Evidence

Daejin:

- Comment 2: Whether Commerce Should Allocate Daejin's "Taxes and Dues" Entirely to General and Administrative (G&A) Expenses
- Comment 3: Whether Commerce Should Include All of Daejin's Miscellaneous Losses in G&A Expenses Calculation of the G&A Expense Ratio
- Comment 4: Whether Commerce Should Revise its Allocation of Miscellaneous Revenue and Depreciation Expenses Within G&A Expenses
- Comment 5: Whether Commerce Should Apply Total Adverse Facts Available (AFA) For Daejin's Failure to Report Verifiable and Reliable Cost and Sales Data
- Comment 6: Whether Commerce Should Apply Partial AFA to Daejin's Dumping Margin
- Comment 7: Whether Commerce Should Clarify Certain Statements In Its Verification Report

KOWIRE:

- Comment 8: Whether Commerce Should Find that KOWIRE Failed to Report Consistent Data and Apply AFA to KOWIRE
- Comment 9: Whether Commerce Should Continue to Rely on the Cost Database Used in the *Preliminary Results*
- Comment 10: Whether Commerce Should Revise the Inventory Carrying Cost Calculation
- Comment 11: Whether Commerce Should Use KOWIRE's Submitted Entered Values to Calculate the Importer-Specific Assessment Rate

- V. Recommendation